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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,805	04/09/2004	Jong-deok Lim	1572.1335	8865

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,805

Applicant(s)

LIM ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “shock absorbers” [claim 18] must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following recitations do not contain a proper antecedent basis: "the lower supporting part", "the side supporting part" and "the upper supporting part".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-10 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by McDowell [U.S. Patent No. 5,624,098]. McDowell (figures 1-5) teaches of a supporting structure (fig. 4) of a refrigerator (col. 3, lines 20-26) having a main body with a storage compartment, as is conventional in the art, and a base (lower portion of the appliance along with member 18 for example) provided in a lower part of the main body, the supporting structure comprising: a support (30) provided under the main body to support the main body via members (18); and a supporting bracket (50) to connect a side portion (back side portion for example) of the main body and the support. The supporting bracket comprises a lower supporting part (horizontal

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portion – fig. 3) connected to the support, and a side supporting part (vertical portion – fig. 3) upwardly extended from the lower supporting part and connected to a side surface of the base via members (52 & 54). The support is of a predetermined height to be spaced apart from a bottom of the main body as best understood by the examiner. As to claim 8, the supporting structure can be utilized in multiples as noted in col. 4, lines 26-27. The lower supporting part and the side supporting part form an L-shaped portion (fig. 3) and is provided along a longitudinal direction at opposite sides of the main body.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell in view of Applicant's Prior Art Admission (figure4) known hereafter as APAA. McDowell teaches applicant's inventive claimed structure as disclosed above, but does not show the structure as including shock absorbers. APAA is cited as an evidence reference to show that it was known in the art to include shock absorbers (130) within a supporting structure that is used to support an appliance. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the supporting structure of McDowell so as to include shock absorbers as taught by APAA because this arrangement would provide the

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appliance with an enhanced ability to absorb a shock given to the support due to the inherent properties associated with rubber based absorber.

7. Claims 1-2, 4, 7-11, 14-17 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodlief et al., [U.S. Patent No. 6,740,851]. Woodlief (figures 1-6) teaches of a supporting structure (fig. 6) of an appliance having a main body and capable of including a storage compartment, and a base (46) provided in a lower part of the main body, the supporting structure comprising: a support (98, 100) provided under the main body to support the main body; and a supporting bracket (90) to connect a side portion of the main body and the support. The supporting bracket comprises a lower supporting part (horizontal portion – fig. 6) connected to the support, and a side supporting part (vertical portion – fig. 6) upwardly extended from the lower supporting part and connected to a side surface of the base. The lower supporting part and the side supporting part of the supporting bracket are formed with at least one connecting hole (106, 114 for example), respectively, to connect the support and the base with screws (102, 120), respectively. The support is of a predetermined height to be spaced apart from a bottom of the main body as best understood by the examiner. As to claim 8, the examiner has taken the position that each side wall portion of member (46) may be viewed as “bases” in as much as no other structural details are claimed and attributed to this limitation. The lower supporting part and the side supporting part form an L-shaped portion (fig. 6) and is provided along a longitudinal direction at opposite sides of the main body. The support is formed with at least one connecting hole to connect the support with the lower supporting part of the supporting bracket. The lower supporting part comprises at least one connecting hole formed on a surface of the lower supporting part at

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predetermined intervals (fig. 6), wherein the side supporting part is connected to a side surface of each base and comprises at least one connecting hole formed on a surface of the side supporting parts at predetermined intervals (fig. 6). The at least one connecting hole of the lower supporting part corresponds to the at least one connecting hole formed on the support (fig. 6), wherein a screw (102) is inserted through the at least one connecting hole of the lower supporting part and the support, to connect the supporting bracket to the support.

Woodlief teaches applicant's inventive claimed structure as disclosed above, but does not specifically show the supporting structure in combination with a "refrigerator" or show the lower supporting part as being halved / two parts [claim 8]. As to the "refrigerator" recitation, it is viewed that Woodlief teaches the use of a supporting structure in combination with a similar structure i.e., another appliance. Since positively claimed aspects of a "refrigerator" are not specifically claimed, the examiner has taken the position that one of ordinary skill in the art would deem it obvious to substitute one appliance for another where structural aspects of a supporting structure are similar. As to the multiple brackets, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the supporting bracket of Woodlief out of two distinct members [cut down the middle for example], since such a modification would have involved a mere change in the manufacturing of the component without affecting the purpose or function of the supporting structure [it is viewed that the supporting structure would still function normally since the load of the appliance would still be supported via the portions of the lower supporting parts that are resting on the supports (98, 100) assuming the

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appliance does not sag in the middle]. Accordingly, such knowledge was generally available to one of ordinary skill in the art at the time the invention was made.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodlief et al., in view of APAA. Woodlief teaches applicant's inventive claimed structure as disclosed above, but does not show the structure as including shock absorbers. APAA is cited as an evidence reference to show that it was known in the art to include shock absorbers (130) within a supporting structure that is used to support an appliance. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the supporting structure of Woodlief so as to include shock absorbers as taught by APAA because this arrangement would provide the appliance with an enhanced ability to absorb a shock given to the support due to the inherent properties associated with rubber based absorber.

9. Claims 1-17 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundagards [U.S. Patent No. 5,692,722]. Lundagards (figures 1-8) teaches of a supporting structure (fig. 1) of an appliance having a main body and capable of including a storage compartment, and at least two bases (5 for example) provided in a lower part of the main body, the supporting structure comprising: a support (3) provided under the main body to support the main body; and a supporting bracket (4) to connect a side portion of the main body and the support. The supporting bracket comprises a lower supporting part (horizontal lower portion – fig. 1) connected to the support, and a side supporting part (slanted vertical portion – fig. 1) upwardly extended from the lower supporting part and connected to a side surface of the base via grooves (8, 9 for example). The bracket further comprising an upper supporting

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part (horizontal upper portion – fig. 1) bent from the side supporting part to support a lower part of the main body. The lower supporting part and the side supporting part of the supporting bracket are formed with at least one connecting hole (holes in the lower part as see in fig. 1 & hole 27 in the side supporting part), respectively, to connect the support and the base with screws if need be, respectively. The support is of a predetermined height to be spaced apart from a bottom of the main body as best understood by the examiner. The lower supporting part and the side supporting part form an L-shaped portion (fig. 6) and is provided along a longitudinal direction at opposite sides of the main body. The support is formed with at least one connecting hole to connect the support with the lower supporting part of the supporting bracket. The lower supporting part comprises at least one connecting hole formed on a surface of the lower supporting part at predetermined intervals (fig. 1), wherein the side supporting part is connected to a side surface of each base and comprises at least one connecting hole formed on a surface of the side supporting parts at one predetermined location (fig. 6). The at least one connecting hole of the lower supporting part corresponds to the at least one connecting hole formed on the support (fig. 1), wherein an inherent screw is inserted through the at least one connecting hole of the lower supporting part and the support, to connect the supporting bracket to the support. Each base further including at least one connecting hole (note fig. 7) to connect to the side supporting part of the supporting bracket [holes are axially aligned], the holes being connected together via a screw member (14).

Lundagards teaches applicant's inventive claimed structure as disclosed above, but does not specifically show the supporting structure in combination with a "refrigerator". As to the "refrigerator" recitation, it is viewed that Lundagards teaches

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the use of a supporting structure in combination with a similar structure i.e., another appliance. Since positively claimed aspects of a "refrigerator" are not specifically claimed, the examiner has taken the position that one of ordinary skill in the art would deem it obvious to substitute one appliance for another where structural aspects of a supporting structure are similar.

Conclusion

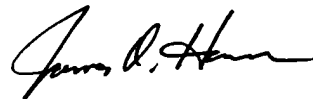
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Neil, Kopp, Duong et al., Root, Clevett Jr., and Brodbeck describe supporting structures for articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
December 4, 2004